

Remarks

The Notice of non-compliant amendment has been reviewed and the following remarks have been made in consequence thereof.

In the Notice, the amendment mailed on January 26, 2005 has been held to be not fully responsive to the prior Office Action mailed on November 18, 2004.

Applicants respectfully traverse the statement in the Notice that, according to 37 C.F.R. § 1.142(b) and MPEP § 821.03, the amended independent Claims 1, 17, 30, and 36 are withdrawn as being directed to a non-elected invention because the Claims 1, 17, 30, and 36 and their dependent claims are directed to an invention that is independent or distinct from the invention in claims as originally filed.

Applicants respectfully submit that MPEP § 821.03 does not apply to the amendment. MPEP §821.03 applies to claims added by an amendment and not to claims amended by an amendment. Specifically, MPEP § 821.03 states, “Claims added by amendment following action by the examiner...to an invention other than previously claimed, should be treated as indicated by 37 CFR 1.145.” Applicants respectfully submit that independent Claims 1, 17, 30, and 36 were amended in the amendment. No new claims were added in the amendment. For the reasons set forth above, Applicants respectfully submit that MPEP § 821.03 does not apply to the amendment.

Furthermore, Applicants respectfully submit that the Examiner has not shown how the recitations added to the independent Claims 1, 17, 30, and 36 in the amendment renders the invention in the Claims 1, 17, 30, and 36 independent or distinct from the invention in claims as originally filed.

For at least the reasons set forth above, Applicants respectfully request that the restriction requirement be withdrawn and submit that the amendment is fully responsive to the prior Office Action.

In view of the foregoing amendments and remarks, all claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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